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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/814,857	03/31/2004	Deepali Dattatray Wagh	U 015124-1	5595
William R. Eva	7590 12/27/2007		EXAM	INER
Ladas & Parry		HENDRICKSON, STUART L		
26 West 61 Street New York, NY 10023			ART UNIT	PAPER NUMBER
11011 10111,111	100 1010, 111 10020		1793	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Application No. Art Unit Ty33 Ty34 Ty35 Ty35			Application No.	L A U			
Examiner Stuart Hendrickson 1793	0.55			Applicant(s)			
Stuart Hendrickson 1793				<u> </u>			
Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Extractions of time may be available under the provision of 37°CFR 1.185(a). Into event, however, may a resply be interly field after SX (b) MONTHS from the mailing date of this communication of 30°CFR 1.185(a). Into event, however, may a resply be interly field after SX (b) MONTHS from the mailing date of this communication of 30°CFR 1.185(b). Into event, however, may a resply be interly field after SX (b) MONTHS from the mailing date of this communication. Palare to reply while the set or extended period freely will by statute, cause the application to become ABANDHOE (30 ± S.C. \$133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filled, may reduce any certain term adjustment. Set of CPR 1.794(b). Status 1)	,	Office Action Summary	Examiner	Art Unit			
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WHICHEVER IS LONGER, FROM THE MALLING DATE OF THIS COMMUNICATION. - Examisors them may be variable under the provisions of 37 CFR 1.33(s), in nevert, however, may a reply be timely filled after SIX (9) MONTHS from the mailing date of this communication. - If NO general or reply is specified above, the mailing date of this communication. - If NO general or reply is specified above, the mailing date of this communication. - If NO general or reply is specified above, the mailing material property and will applie SIX (9) MONTHS from the mailing date of this communication, and reply received by the Office later than or communication. - Any reply received by the Office later than three months after the mailing date of this communication, even if simply filed, may reduce any earned patients. - Any reply received by the Office later than three months after the mailing date of this communication, even if simply filed, may reduce any earned patients. - Any reply received by the Office later than three months after the mailing date of this communication, even if simply filed, may reduce any earned patients. - Application is FINAL. - 2b)							
1) Responsive to communication(s) filed on	 WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any 						
2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-13 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) 1-13 is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) is/are objected to by the Examiner. 10) The prescription is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) objected or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The cath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) ome of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received.	Status						
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Paper No(s)/Mail Date 6) Other:	1) Notice 2) Notice 3) Inform	te of References Cited (PTO-892) te of Draftsperson's Patent Drawing Review (PTO-948) mation Disclosure Statement(s) (PTO/SB/08)	Paper No(s)/Mail D 5) Notice of Informal I	ate			

Application/Control Number:

10/814,857 Art Unit: 1793

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 4 contradicts claim 2: potassium hydroxide is not a hydride.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-3, 5, 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over MacDowall 5162286.

The reference teaches grinding coconut shells to 40 microns (400 mesh is 37 microns) and treating with phosphoric acid or ZnCl2, followed by drying, carbonization, cooling and washing and drying. The term 'carbonization' implies an inert atmosphere. See fig. 1 and col. 2-3. While the reference does not explicitly teach the present pretreatment of the shells, doing so is an obvious expedient to avoid impurities and contamination. Concerning claim 2, the claimed ranges encompass the practical working laboratory concentrations expected to be available and are obvious as an optimization of amount of reagent versus is result-effective effect.

Claims 1, 5-10, 12, 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Otowa 5064805.

Otowa teaches treating coconut shells with KOH, heating (drying- 'dehydration'), carbonizing, cooling, washing and drying. See col. 2 and ex. 1 in particular. Concerning claims 6 and 7 the heating regimes taught are similar to the temperatures claimed; note that the melting of the

KOH (and temperatures suitable therefor) correspond to claim 6. The heating rate and resultant time is a matter of routine optimization and over performance characteristics. While the reference does not explicitly teach the present pretreatment of the shells, doing so is an obvious expedient to avoid impurities and contamination. The final BET area can vary widely- see ex. 6. For claim 12, using an acid to wash is an obvious expedient to neutralize the strong base used.

Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Derbyshire et al. 6057262.

The reference teaches treating coconut shells See col. 3, 4, 6 in particular. While the reference does not explicitly teach the present pretreatment of the shells, doing so is an obvious expedient to avoid impurities and contamination. Concerning claim 11, using a long drying time is an obvious expedient to gain the effect of the activating agent. Concerning claims 6 and 7, the temperatures and times can be optimized for desired effect. The leaching agent of col. 3 suggest claim 12. Concerning the concentration of claim 2, the claimed ranges encompass the practical working laboratory concentrations expected to be available and are obvious as an optimization of amount of reagent versus is result-effective effect.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Any inquiry concerning this communication should be directed to examiner Hendrickson. at telephone number (571) 272-1351.

> Stuart Hendrickson examiner Art Unit 1793